

1
2
3 IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR LEWIS COUNTY

4 In Re:

5 EMERGENCY NOTIFICATION LIMITING
6 COURT OPERATIONS RESULTING
7 FROM PUBLIC HEALTH EMERGENCY

GENERAL ORDER NO.

GR 21

8 This Order supplements and modifies the prior General Orders of this court issued in
9 response to COVID-19. All other provisions of the Prior General Orders, not addressed
10 within this Order remain in full force and effect.

11 Based upon information from the Center for Disease Control (CDC), and the
12 recommendations of the Public Health Officer for Lewis County as well as the Director of
13 Public Health for Lewis County, and the Orders of the Washington State Supreme Court,
the Lewis County Superior Court is taking the following actions (Orders):

14 **GENERAL PROVISIONS**

- 15 1. The court will continue to ensure access to the courts through all reasonable
16 means. This will include access to video or telephonic hearings and other
platforms that may be appropriate under the circumstances presented.
- 17 2. Alternative (electronic) signatures may be authorized for the court, clerk and
18 parties where sufficient reliability is demonstrated and authorized.

19 **CIVIL MATTERS**

- 20 1. All civil jury trial scheduled for May and June 2020 are hereby stricken. No civil
jury trials will not occur until **at least** the week of July 6, 2020.
- 21 2. Non-jury trials may be conducted under circumstances and restrictions
22 addressed on a case by case basis that, at least, will strictly observe social
distancing mandates and other public health measures.
- 23 3. Non-emergency civil matters for the month of May 2020 are hereby stricken.
- 24 4. The court may hear non-emergency civil matters under circumstances and
25 restrictions addressed on a case by case basis that, at least, will strictly observe
26 social distancing mandates and other public health measures.

- 1 5. The Court will be available for emergency civil matters with circumstances and
2 restrictions addressed on a case by case basis that, at least, will strictly observe
social distancing mandates and other public health measures.
- 3 6. The Court and Clerk will continue to provide access to the courts and the Clerk's
4 office and address accessibility issues on a case by case basis that, at least, will
strictly observe social distancing mandates and other public health measures.
- 5 7. The requirements of personal service of petitions for protection orders or
6 temporary protection orders are suspended (this does not apply to orders
7 directing the surrender of weapons or removal from a shared residence.
 - 8 a. Where personal service has been waived, service may be made by law
9 enforcement, including electronic service with acknowledgment of receipt,
by process servers, by agreed service acknowledged in writing, by
publication or by mail.
 - 10 b. If a prior agreement to serve by email is in place in the same or related
11 case, email service shall be sufficient.
 - 12 c. Proof of service providing at least five (5) days' notice shall be required
before the hearing.
- 13 8. This Court shall exercise discretion in setting hearing dates, extending temporary
14 orders and making other accommodations to ensure sufficient notice and
15 reasonable accommodations and restrictions to address the social distancing
mandates and other public health measures.

16 CRIMINAL/JUVENILE MATTERS

- 17 1. All criminal jury trials scheduled for the months of May and June 2020 are hereby
18 stricken. No criminal jury trials will occur until **at least** the week of July 6, 2020.
- 19 2. Out of custody criminal and juvenile matters are continued until after June 1,
20 2020, except:
 - 21 a. Motions, agreed orders or other proceedings may be heard under
22 circumstances and restrictions addressed on a case by case basis that, at
least, will strictly observe social distancing mandates and other public health
measures.
- 23 3. Arraignment on out of custody matters (criminal and juvenile) filed between
24 March 18 and July 3, 2020 may be deferred until 45 days after filing of charges.
25 The arraignment date shall be considered the initial commencement date for
purposes of establish the time for trial under the Criminal Rules (CrR and JuCrR).

- 1 4. Therapeutic Courts may continue to operate under circumstances and
2 restrictions that, at least, will strictly observe social distancing mandates and
3 other public health measures.
- 4 5. Ex Parte No Contact Orders may be entered by the court and served by mail or
5 electronic means.
- 6 6. In Custody matters (criminal and juvenile) may be continued until after June 1,
7 2020, with the following exceptions:
 - 8 a. Scheduling and hearings on first appearances, arraignments, plea hearings,
9 motion hearings and sentencing/disposition hearings.
 - 10 b. Other matters may be scheduled by the court under circumstances and
11 restrictions addressed on a case by case basis that, at least, will strictly observe
12 social distancing mandates and other public health measures.
 - 13 i. Priority will be given to hearings to address bail/conditions of release, plea and
14 sentencing hearings where release may occur within 30 days of the hearing.
 - 15 ii. Motions to shorten time are not required for these hearings.
- 16 7. Juvenile court jurisdiction in all matters in which an information was filed prior to
17 June 1, 2020, in which the respondent will turn 18 within 120 days of May 4,
18 2020, shall be extended until the next scheduled hearing **after** June 1, 2020.
- 19 8. The hearings and trials of criminal matters continued under these, or previous,
20 orders are required in the administration of justice based upon a good cause
21 finding as outlined by the Washington State Supreme Court's Order dated April
22 29, 2020. Time between April 29, 2020 and September 1, 2020 are hereby
23 **excluded** when calculating time for trial under applicable rules.
- 24 9. Obtaining signatures under the current circumstances may be burdensome and/or
25 endanger the health of participants. Hearings may be continued without
26 written/signed orders.
 - a. Defense counsel is not required to obtain defendants'/respondents' signatures on
matters through June 1, 2020.
 - b. Courts shall provide notice of new hearing dates to defense counsel and
unrepresented defendants/respondents.

1 10. This court shall continue to consider matters on a case by case basis as other
2 needs arise. Prosecution and defense have taken appropriate steps to ensure
3 availability and access for defendants/respondents and will continue to do so.
Appropriate steps will be taken to ensure matters are heard as needed and in a
timely fashion.

4 11. Such continuances will not prejudice any defendant impacted and each case
5 impacted will, in addition to this order, be addressed on a case by case basis.

6 12. As to criminal jury trials, the court finds, pursuant to CrR 3.3(f), the continuances
7 are required in the administration of justice as the court has a reduced ability to
obtain an adequate spectrum of jurors for trials.

8 DATED this 30 day of April 2020.

9
10 
11 _____
12 SUPERIOR COURT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26